

Attorney Docket: 2143/49565
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: JEAN-MICHEL ESPENAN ET AL.
Serial No.: 09/744,584 Group Art Unit: 1723
Filed: APRIL 2, 2001 Examiner: ANA M. FORTUNA
Title: METHOD AND DEVICE FOR MEMBRANE FILTERING OF WATER

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RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
Washington, D.C. 20231

October 24, 2002

Sir:

In reply to the Office Action dated September 24, 2002, requiring restriction between Claims 21-37 and 48 (Group I) and Claims 38-47 (Group II), Applicant elects, with traverse, the claims of Group I, to be examined on the merits. Claims 41-47 are also drawn to an insulation for the filtration of water by membrane and thus, it is respectfully submitted to be in Group I and not Group II. Therefore, it is respectfully requested that Claims 41-47 be examined with Group I.


The traversal of the restriction requirement is on the grounds that the application was filed under 35 U.S.C. §371 and, therefore, PCT Rules 13.1 and 13.2 apply. In the Restriction Requirement it is alleged that Groups I and II lack the same or corresponding special technical features due to Group I being directed to a U-shaped hollow fiber membrane module with both ends pottered at the end and positioned within cylindrical containers, and that Group II does not require the structure provided in the installation claims of Group I and, therefore, the claims in Group II lack the same corresponding special feature, e.g., the U-shaped modules. Under MPEP 1893.03(d), the unity of invention rules detail that a group of inventions is considered linked to form a single

general inventive concept where there is a technical relationship among the inventions that involves at least one common or a corresponding special technical feature. Since the inventions of Group I and Group II contain at least one common or corresponding technical feature which is not necessarily the special technical feature alleged in the Restriction Requirement, it is respectfully submitted that the restriction requirement is improper, and it is respectfully requested that all claims be examined on the merits.

If there are any questions regarding this response or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #2143/49565).

Respectfully submitted,


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